

FILED 11 JUN 14 12:00USDC-ORH

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JASON FUENTES,

Case No. 1:10-cv-00150-CL

Petitioner,

v.

MARK NOOTH,

ORDER

Respondent.

PANNER, District Judge:

Magistrate Judge Mark D. Clarke filed a Report and Recommendation, and the matter is now before this court. See 28 U.S.C. § 636(b)(1)(B), Fed. R. Civ. P. 72(b). Although no objections have been filed, this court reviews legal principles *de novo*. See Lorin Corp. v Goto & Co., Ltd., 700 F.2d 1202, 1206 (9th Cir. 1983).

I agree with Magistrate Judge Clarke that petitioner procedurally defaulted on five of his six claims, and that the remaining claim fails on the merits. Accordingly, I ADOPT the

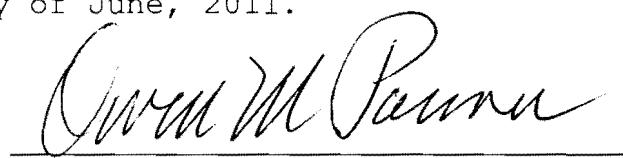
Report and Recommendation of Magistrate Judge Clarke.

CONCLUSION

Magistrate Judge Clarke's Report and Recommendation (#16) is adopted. The petition (#2) is denied and this action is dismissed.

IT IS SO ORDERED.

DATED this 14 day of June, 2011.



OWEN M. PANNER
U.S. DISTRICT JUDGE